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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,320	03/24/2004	Eiichi Kito	Q80637	3998
23373	7590	11/15/2005		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
			EXAMINER FULLER, RODNEY EVAN	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. -

10/807,320

Applicant(s)

KITO, EIICHI

Examiner

Rodney E. Fuller

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

RODNEY FULLER
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/24/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohmura (US 2003/0035054).

Regarding claims 1, 8 and 14, Ohmura discloses an "image-data taking means (Fig. 1, ref.# 4, 5, 6) for taking in image data of frames from a recording medium (paragraph 0082, lines 9-11); distinction means for distinguishing whether or not said frames are recorded in said recording medium in a grouping format (Fig. 43, ref.# S321 represents a step wherein frames or images are in a folder, i.e., a grouping format) which is for grouping said frames, when taking in said image data (Fig. 11A shows a digital camera that allows selection of particular folders or grouping when an image is taken); index-picture producing means for producing an index picture in which said frames are arranged and the sole representative frame is chosen every group relative to the grouped frames (Fig. 22, ref.# F1; paragraph 0209, lines 1-6); sub-index-picture producing means for producing a sub-index picture in which the frames of the same group are arranged (Fig. 22, ref.# S1 shows a sub-index of images); a display (Fig. 1, ref.# 2) for displaying said index picture and said sub-index picture; changing means (Fig. 1, ref.# 3) for changing an indication of the display from said index picture to said

sub-index picture when one of said representative frames has been selected from said index picture shown on said display; print-frame designating means for designating the frame to be printed from one of said index picture and said sub-index picture (*Fig. 34, ref.# S205, S208 represent a step wherein frames to print are selected*); and printing means (*Fig. 1, ref.# 9*) for printing the frame, which is designated by said print-frame designating means, on a recording paper."

Regarding claims 2, 9 and 15, Ohmura discloses "wherein said representative frame (*Fig. 22, ref.# F1, paragraph 0209, lines 1-6*) is shown on said display in a distinguishable manner against the non-grouped individual frame (*Fig. 22, ref.# S1*)."

Regarding claims 3 and 10, Ohmura discloses "wherein said representative frame is accompanied by a distinction indicia." (*Fig. 22, ref.# F1, paragraph 0209, lines 1-6*)

Regarding claims 4 and 11, Ohmura discloses "wherein producing said sub-index picture is started when said representative frame has been selected." (*Fig. 22, ref.# S1, F1 and associated arrows; Fig. 34, ref.#. S202-S210 represents steps of producing a sub-index after the representative, i.e., folder, is selected*)

Regarding claims 5 and 12, Ohmura discloses "wherein all the frames of the group to which the designated representative frame belongs are printed when the representative frame to be printed is designated by said print-frame designating means." (*Fig. 43, ref.# S321-S327 represents a batch print mode wherein all the frames/pictures of the group/folder are printed*)

Regarding claims 6 and 13, Ohmura discloses "wherein the respective frames belonging to said group have group information for distinguishing the group." (*Fig. 22, ref.# F1, paragraph 0209, lines 1-6*)

Regarding claims 7 and 16, Ohmura discloses "wherein said index picture includes at least one representative frame and said individual frame when a number of said groups is small." (*Fig. 22, ref.# F1, paragraph 0209, lines 1-6*)

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Monty, et al. (US 6,956,671), Prabhu, et al. (US 6,883,146), Tomat, et al. (US 6,784,925), Rissman (US 6,552,743) and Bubie, et al. (US 6,453,078) each disclose a system and/or method of grouping digital images for sorting, storing and/or printing.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2851

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller
Primary Examiner
Art Unit 2851

November 1, 2005

A handwritten signature in black ink, appearing to read 'R. E. Fuller', is written over the printed name of the Primary Examiner.